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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/678,876	10/03/2003	Minh Duy Khuc	1202a	1277
28/004 SPRINT 6391 SPRINT PARKWAY KSOPHT0101-Z2100 OVERLAND PARK, KS 66251-2100	7590 04/01/2009		EXAMINER PHAN, TRI H	
			ART UNIT 2416	PAPER NUMBER
			MAIL DATE 04/01/2009	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/678,876

Applicant(s)

KHUC ET AL.

Examiner

TRI H. PHAN

Art Unit

2416

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 and 15-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment/Arguments

1. This Office Action is in response to the communications filed on December 11th, 2008. Claims 14 and 27 are now canceled. Claims 1-13 and 15-26 are now pending in the application.

Terminal Disclaimer

2. The terminal disclaimers filed on December 11, 2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of U.S. Patent No. 6,690,664; U.S. Patent No. 6,473,505; U.S. Patent No. 7,043,004; U.S. Application No. 11/369,068 filed on 03/06/2006; have been reviewed and are accepted. The terminal disclaimers have been recorded.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-2, 6-9, 15-16 and 20-22 are rejected under 35 U.S.C. 102(b) as being anticipated by **Robrock, II Richard Barker** (U.S.5,680,390; hereinafter refer as '**Robrock, II**').

- In regard to claims 1 and 15, **Robrock, II** discloses *a telecommunications system with call processing and routing system* (for example see system 63, bin 50 and fast-packet switch 51 in figs. 1A-2B; Abstract) *and method for operating a telecommunications network* (for example see figs. 3-6B), *which comprises*

receiving signaling for a voice call (for example see col. 8, lines 23-31; step 93 in fig. 3; where the fast-packet switch 51 receives signaling from calling party);

processing the signaling to generate a query to a call center (for example see 'Query/Response' of command cell in figs. 1A-2B; col. 6, lines 50-63; col. 8, lines 32-38; where 'BIN 50' in figs. 1A-2B is "call center") *having a plurality of devices within the call center* (for example see 'operation systems 80' in figs. 1A-2B; col. 2, lines 19-30; col. 4, lines 50-55);

transmitting the query to the call center (for example see steps 93-94 in fig. 3; col. 6, lines 59-63; col. 8, lines 32-38);

receiving a query response (for example see col. 8, lines 32-50) *wherein the query response includes a packet address that identifies a device from among the plurality of devices within the call center* (for example see col. 7, lines 24-52);

transferring communications for the voice call to the device in packets wherein the packets include headers having the packet address allowing the call to be routed within the call center to the device (for example see steps 96-98 in fig. 3; col. 8, lines 15-21; where address are defined in col. 7, lines 24-29, 36-52) *without requiring translation within call center* (for example see col. 7, lines 24-29; col. 8, lines 15-21; wherein, it is inherently, translation is not required for switching any more with permanent virtual connections).

- Regarding claims 2, 6-7, 9, 16 and 20-22, **Robrock, II** further discloses, wherein the query includes a *caller number*, *called number*, *caller entered digits*, *geographic region* (for example see col. 7, lines 24-29, 36-52; wherein directory or area code is “*geographic region*”).

- In regard to claim 8, **Robrock, II** further discloses the *identification packet address* is based on *load balancing statistics of call center resources* (for example see element 86-3 in fig. 4A; col. 9, lines 2-38).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3-5, 10-13, 17-19 and 23-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Robrock, II Richard Barker** (U.S.5,680,390).

- In regard to claims 3-5 and 17-19, **Robrock, II** does discloses on the ‘time’, where the call or session is placed, answered and terminated for billing purpose as disclosed in col. 12, lines 1-12; but fails to explicitly disclose where identify is based on “*time of day*”, “*day of the week*” or “*day of the year*”. However, such limitations, i.e. “*time of day*”, “*day of the week*” or “*day of the year*” are just system design choices.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to use specific version of time as selected choices for the need(s) of the designed system, such as for billing, tracking call, load balancing, etc.

- Regarding claims 10-13 and 23-26, **Robrock, II** does disclose on packet address such as *hardware, port and ATM address*, wherein port, virtual, calling and called addresses are defined in col. 7, lines 24-29, 36-52; but fails to explicitly disclose on “*MAC-layer address*”. However, based on the requirement(s) and depend on system design/network implementation, it is obvious that “*MAC-layer address*” can be implement in place of port address or virtual address as choices for the specific and designated system.

Thus it would have been obvious to the person of ordinary skill in the art at the time of the invention was made to implement “*MAC-layer address*” in place of **Robrock, II**'s virtual address, as needed in the designed system, such as Ethernet, etc.

Response to Amendment/Arguments

7. Applicant's arguments filed on December 11th, 2008 with respect to claims 1-27 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Robrock, II, Richard Barker (U.S.5,680,390), **Christie et al.** (U.S.6,535,483) and **Christie, Joseph Michael** (U.S.6,643,282) are all cited to show systems and methods for improving the control in communication architectures, which are considered pertinent to the claimed invention.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri H. Phan, whose telephone number is (571) 272-3074. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi H. Pham can be reached on (571) 272-3179.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office, whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Tri H. Phan/
Primary Examiner, Art Unit 2416

April 1, 2009